

# AGENCY PERFORMANCE

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# REPORT ON OPERATIONS

Structured realignment of key functional areas ensures that the Department will continue to adapt and improve service delivery to Government, industry and the community.

The Department of Environment Regulation was restructured from 1 May 2014. Structural realignment of key functional areas ensures that it will continue to adapt and improve service delivery to Government, industry and the community.

Information is published each quarter on the Department's targets, performance, activities and outcomes for the following functions:

- works approvals and licences—number and timeliness of works approvals and licences granted for major resource and other projects, and controlled waste licences;
- environmental compliance—industry regulation proactive compliance inspection program;
- native vegetation clearing permits—number and timeliness of decisions on clearing permit applications made by the Departments of Environment Regulation and Mines and Petroleum (by delegation under the EP Act);

- contaminated sites—number of classifications of reported known or suspected contaminated sites, and number and timeliness of review of mandatory auditor's reports; and
- environmental enforcement—statistical and supporting information outlining the Department's enforcement activity and outcomes.

Quarterly approvals summaries and performance reports are publicly available at [www.der.wa.gov.au/about-us/regulatory-performance-and-reporting](http://www.der.wa.gov.au/about-us/regulatory-performance-and-reporting).

# SERVICE AREAS

The Department advises on and implements strategies and policies for a healthy environment for all Western Australians.

## SERVICE 1: ENVIRONMENTAL REGULATION

The Department has adopted a multi-faceted approach to delivering its regulatory role, which broadly fits into three main functions:

- approvals and licensing;
- monitoring, audit and compliance inspections; and
- enforcement, including complaint and incident investigation.

### Licensing and Approvals

The Department assesses, determines and/or advises on environmental licences and approvals in the areas of:

- industry regulation;
- contaminated sites regulation;
- clearing regulation; and
- noise regulation.

Core regulatory instruments include works approvals, licences, classifications, clearing permits and exemptions. These are assessed and determined in accordance with statutory and target time frames. Performance against time frames is reported quarterly on the Department's website at [www.der.wa.gov.au/about-us/regulatory-performance-and-reporting](http://www.der.wa.gov.au/about-us/regulatory-performance-and-reporting).

The Department maintains a regional presence to oversee the operational environmental management of activities subject to works approvals or licences.

### Compliance

The Department conducts annual targeted risk-based compliance activities, including inspections, to assess compliance with the legislation and the regulatory instruments it administers.

### Enforcement

The Department responds to pollution incidents to reduce the potential impacts of such incidents on public health and the environment.

The Department enforces the legislation and regulatory instruments it administers by conducting formal investigations into complaints and reported incidents; and where a *prima facie* case is established, and it is in the public interest to do so, administering an appropriate sanction.

Regional investigators are located around the state to respond to and investigate incidents and complaints.

## Service 1—Environmental Regulation—Performance Summary

	2013–14 Target <sup>(1)</sup>	2013–14 Actual	Variation <sup>(2)</sup>
	\$'000	\$'000	\$'000
Total cost of service	39,033	41,431	(2,398)
<i>Less total income other than income from State Government</i>	23,763	29,356	5,593
Net income (cost of services)	(15,270)	(12,075)	3,195
<b>Employees (full-time equivalents)</b>	305	225	(80)
<b>Key efficiency indicators</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Average cost per air monitoring station	430,769	532,462	(101,693)
Average cost per industry licence	25,236	26,048	(812)
Average cost per contaminated site assessment	5,625	5,626	(1)
Average cost of remediating state sites	285,154	150,500	134,654

(1) As specified in the 2013–14 Budget Statements.

(2) Further explanations are contained in the [key efficiency indicators section](#) within this Annual Report.

## SERVICE 1 KEY DELIVERABLES

### Industry regulation

The Department continued implementation of its Re-Engineering for Industry Regulation and Environment (*REFIRE*) reform program, to improve consistency, efficiency, quality and effectiveness. During this reporting period:

- all works approvals and licences for new premises granted were in the new *REFIRE* format; and
- thirty-four per cent of existing licences were converted to *REFIRE* format.

The 60-working-day target time frame for decisions on works approvals and licences for major resource projects was achieved for 94 per cent of approvals during the 2013–14 reporting period.

### Clearing permit system upgrade

An upgrade to the Department's clearing permit system was commissioned to enhance reporting.

### Clearing regulation

Amendments to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* were gazetted on 3 December 2013. The amendments:

- reduce the administrative burden on land owners and land managers;
- recognise the need to maintain agricultural productivity and protect water quality; and
- prevent significant environmental impacts that would otherwise result from inappropriate clearing.

### Compliance

Proactive industry regulation compliance activities are coordinated through the annual *Industry Regulation Compliance* program. The Department exceeded its target of 758 compliance inspections under its Industry Regulation Compliance program for 2013–14, which included inspections across prescribed premises, controlled waste, industry sectors and special risk sectors. A total of 840 sites was inspected.

### Asbestos compliance

Following on from the 2012–13 *Asbestos Management in Construction and Demolition Waste Compliance* program at recycling facilities, the Department worked with other waste industries throughout 2013–14, including waste storage and transfer facilities, to reduce the potential for asbestos in re-use and recycling processes.

### Noise regulation

Amendments to the *Environment Protection (Noise) Regulations 1997* were gazetted on 5 December 2013. The amendments:

- introduce new regulations to better manage noise from motorsports venues, shooting venues, major concert venues and some essential services;
- align blasting levels with national best practice and relax industry-to-industry noise levels within the Kwinana Industrial Area; and
- clarify and update a number of existing provisions.

### Enforcement

The Department administered 270 environmental sanctions in the 2013–14 financial year including infringement notices, formal warnings and prosecutions.

### Pollution response

The Department responded to 156 pollution incidents within WA including a number of hazardous materials fires, chemical spills, tanker roll overs, clandestine drug laboratories and illegal dumping of hazardous chemicals.

## SERVICE 2: ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

The Department of Environment Regulation develops and implements:

- policies and strategies to promote environmentally sustainable practice by industry, government and the community; and
- strategies to reduce the impact of climate change for Western Australia.

Under the *Environment Protection and Biodiversity and Conservation Act 1999* (EPBC Act) the Department:

- supported negotiations for assessment and approvals bilateral agreements with the Commonwealth Government to accredit the clearing permit process as part of the Australian Government's "one-stop shop"; and
- continued to support the strategic assessment of the impact of development in the Perth and Peel regions on matters of national environmental significance.

In this reporting period the Department:

- commenced a statutory review, on behalf of the Minister for Environment, of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) to assess its effectiveness in delivery of waste outcomes;
- continued to participate in the development of a new *National Clean Air Agreement* which will provide a national air quality policy framework;
- continued to administer the *Perth Air Quality Management Plan* in 2013–14 in consultation with the Air Quality Coordinating Committee; and
- in cooperation with industry, maintained its governance role in the monitoring of rock art on the Burrup Peninsula to ensure its protection against air pollutants.

The Department provided climate change advice to state agencies, local governments and other stakeholders on undertaking climate change risk and vulnerability assessments and adaptation planning and integrating adaptation considerations into existing policies, programs and decision-making.

The Department coordinated the provision of data to the National Pollutant Inventory, a publicly accessible internet database ([www.npi.gov.au](http://www.npi.gov.au)) that provides the community, industry and government with information on the emissions of 93 selected substances from industry, transport and commercial premises to air, land and water.

In this reporting period, the Department developed and implemented the:

- *BurnWise* program, to promote correct wood heater operation and provide support and tools to local government environmental health officers to reduce adverse smoke impacts; and
- *CleanRun* program, a key initiative for implementing the National Environment Protection (Diesel Vehicle Emissions) Measure in Western Australia and vehicle related actions under the Perth Air Quality Management Plan. *CleanRun* consists of three key initiatives:
  - a Smoky Vehicle Reporting Program targeting gross polluting vehicles;
  - monitoring of the in-service vehicle fleet with the *CleanRun* remote sensing device; and
  - *EcoDrive*, a driver behaviour change program to promote the reduction of fuel emissions by professional drivers of commercial diesel vehicles.

## Service 2—Environmental Sustainability and Climate Change—Performance Summary

	2013–14 Target <sup>(1)</sup>	2013–14 Actual	Variation <sup>(2)</sup>
	\$'000	\$'000	\$'000
Total cost of service	27,218	27,437	(219)
<i>Less total income other than income from State Government</i>	44,592	47,373	(2,781)
Net income (cost of services)	17,374	19,936	(2,562)
<b>Employees (full-time equivalents)</b>	75	98	23
<b>Key efficiency indicators</b>			
Cost of administering Waste Avoidance and Resource Recovery Account as a percentage of total funds	8%	11%	(3%)
Cost of administering Low Emissions Energy Development (LEED) fund as a percentage of total funds	0.60%	0.59%	0.01%

(1) As specified in the 2013–14 Budget Statements.

(2) Further explanations are contained in the [key efficiency indicator section](#) within this Annual Report.

## SERVICE 2 KEY DELIVERABLES

### ● Environmental offsets register

Launched on 13 August 2013 by the Environment Minister Albert Jacob, the register provides a consolidated record of the state's environmental offsets under WA legislation or agreements and meets government, community and industry expectations for transparency and accountability. See <https://offsetsregister.wa.gov.au>.

### ● Low Emissions Energy Development (LEED) funded projects

The LEED Fund invests in the development of technologies to cut greenhouse gas emissions from the energy sector. The fund is now fully allocated. More than \$5.6 million of LEED funding for successfully completed milestones has been paid. In 2013–14:

- Curtin University's Fuels and Energy Technology Institute commissioned a demonstration pyrolyser, enabling research into using biomass such as mallee to produce renewable solid, liquid and gas fuels.
- The University of Western Australia built a multi-column pressure swing adsorption prototype system and has been using it to develop ways to separate methane and other gases at LNG facilities.

- Carnegie Wave Energy completed construction of three buoyant actuators. The buoys were unveiled at Henderson by the Federal Industry Minister, Hon Ian MacFarlane, on 9 April 2014. The project has also completed the subsea foundation and the pipework to shore.
- The City of Kalgoorlie-Boulder's ground source heat pump and solar project to heat the Goldfields Oasis Leisure Centre pools was opened by the Environment Minister Albert Jacob on 27 May 2014. The project is expected to save 11,000 tonnes of carbon dioxide emissions over its working life. Several other public pools have also initiated renewable heating projects, showing the wider adoption that results from supporting new technologies.

In this reporting period, two LEED projects completed their final milestones:

- an anaerobic digester at Richgro's Jandakot facility; and
- a ground source heat pump at the City of Kalgoorlie-Boulder's Goldfields Oasis Leisure Centre.

# WASTE AUTHORITY

## Support for the Waste Authority.

Environment Minister Albert Jacob has a statutory responsibility to resource the Waste Authority.

The Department of Environment Regulation employs staff to support the Waste Authority, and the implementation of the programs and projects in the Waste Authority Business Plan 2013–14.

The Waste Avoidance and Resource Recovery (WARR) Account is to be administered by the Waste Authority (s 79(2) of the WARR Act).

### KEY DELIVERABLES

In this reporting period, the Department of Environment Regulation:

- established key performance indicators for the dedicated waste and recycling inspection and compliance function;
- supported development of guidelines for the management of asbestos at construction and demolition waste recycling facilities; and
- participated on national waste policy working groups, such as the waste paint, and handheld battery product stewardship initiatives.

The Waste Authority reports on its activities annually to Parliament — see [www.wasteauthority.wa.gov.au/publications/category/annual-reports](http://www.wasteauthority.wa.gov.au/publications/category/annual-reports). The Waste Authority financials are reported to Parliament by way of the Department of Environment Regulation financial statements in this report as required under s 81(2) of the WARR Act.

# BUDGET AND KEY PERFORMANCE INDICATOR SUMMARY

## TARGET VERSUS ACTUAL RESULTS

### Financial Targets

	2013–14 Target <sup>(1)</sup> \$'000	2013–14 Actual \$'000	Variation <sup>(2)</sup> \$'000
Total cost of services (expense limit) – sourced from Statement of Comprehensive Income	66,251	68,868	(2,617)
Net income (cost of services) – sourced from Statement of Comprehensive Income	2,104	7,861	(5,757)
Total equity – sourced from Statement of Financial Position	18,169	39,635	(21,466)
Net increase in cash held – sourced from Statement of Cash Flows	2,940	6,144	(3,204)

  

	2013–14 Target	2013–14 Actual	Variation
Approved full-time equivalent (FTE) staff level	380	320*	(60)

(1) As specified in the 2013–14 Budget Statements.

(2) Further explanations are contained in [Note 34 'Explanatory statement'](#) within this Annual Report.

\* Average FTE for 2013–14.

## Summary of Key Performance Indicators

	2013–14 Target <sup>(1)</sup>	2013–14 Actual	Variation <sup>(2)</sup>
<i>Outcome 1: Emissions and discharges meet acceptable criteria</i>			
Key Effectiveness Indicator(s):			
<b>Number of exceedences of approved environment criteria by regulated activities</b>	25	37	(12)
<b>Number of National Environment Protection Measures (NEPM) exceedences per annum of criteria pollutants</b>	28	8	20
<i>Service Area 1: Environmental Regulation</i>			
Key Efficiency Indicator(s):			
<b>Average cost per air monitoring station</b>	\$ 430,769	\$ 532,462	\$(101,693)
<b>Average cost per industry licence</b>	25,236	26,048	(812)
<b>Average cost per contaminated site assessment</b>	5,625	5,626	(1)
<b>Average cost of remediating state sites</b>	285,154	150,500	134,654
<i>Outcome 2: Adoption of environmentally sustainable practices to protect, manage and restore the State's natural resources</i>			
Key Effectiveness Indicator(s):			
<b>Percentage of waste in the metropolitan area diverted from landfill through recycling</b>	45%	47%	(2%)
<i>Service Area 2: Environmental Sustainability and Climate Change</i>			
Key Efficiency Indicator(s):			
<b>Cost of administering Waste Avoidance and Resource Recovery Account as a percentage of total funds</b>	8%	11%	(3%)
<b>Cost of administering Low Emissions Energy Development fund as a percentage of total funds</b>	0.60%	0.59%	0.01%

(1) As specified in the 2013–14 Budget Statements.

(2) Explanations for the variations between target and actual results are presented in the [key effectiveness and efficiency indicator section](#) within this Annual Report.